

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

DEVINCHE ALBRITTON,

Plaintiff,

v.

ACTION NO. 2:18cv689

S. CARPENTER, *et al.*,

Defendants.

**ORDER**

Plaintiff, a Virginia inmate, filed this *pro se* action pursuant to 42 U.S.C. § 1983 to redress alleged violations of his constitutional rights. Second Am. Compl., ECF No. 34. This matter is before the Court to address a Motion for Summary Judgment filed by Defendant Ms. Poarch, ECF No. 92. This matter is also before the Court to address the next steps in this litigation.

**I. Relevant Background**

Plaintiff is a Virginia Department of Corrections inmate. Plaintiff's claims in this action relate to his incarceration at his former prison, Sussex II State Prison (Sussex II). *See* Second Am. Compl. at 2–10, ECF No. 34. Plaintiff brings claims against numerous Sussex II officials. *See id.* All Defendants have appeared in this action except for Defendant T.M. Smith.<sup>1</sup>

By Order entered on August 9, 2024, the Court, *inter alia*, denied Defendant Poarch's Motion to Dismiss and directed Defendant Poarch to file any intended

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<sup>1</sup> The Court will enter a subsequent Order addressing Defendant Smith.

summary judgment motion within sixty days. Order at 2–3, ECF No. 86. On October 7, 2024, counsel for Defendants Ms. Adams, Lt. Branch, Mr. Brown, Lt. Melissa Carpenter, Anita Critton, Mr. Foster, Captain Gill, U/M McDonald, Sgt. Parris, Wanda Rollins, Mr. Turner, M. Vandermark, and Ms. White filed a Notice stating that these Defendants do not intend to file summary judgment motions. Notice at 1, ECF No. 91. On October 8, 2024, Defendant Poarch filed a Motion for Summary Judgment, ECF No. 92. Thereafter, Plaintiff filed a Response, ECF No. 100, and Defendant Poarch filed a Reply, ECF No. 101.

In an Order entered on October 30, 2024, the Court found that it was appropriate to hold a settlement conference in this matter, and that the Court would, with Plaintiff's agreement, appoint an attorney to represent Plaintiff at the settlement conference. *See* Order at 4–5, ECF No. 96. The Court sent a Consent to Appointment of Counsel form to Plaintiff, which he subsequently signed and returned. *See* Consent, ECF No. 98.

## **II. Defendant Poarch's Motion for Summary Judgment and Next Steps**

The Court has reviewed Defendant Poarch's Summary Judgment Motion, Plaintiff's Response, Defendant Poarch's Reply, all of the accompanying exhibits, and all of the other relevant materials in the record. Upon such review, the Court finds that it is appropriate to defer a decision on the Motion for Summary Judgment (ECF No. 92) pending the completion of the settlement conference. Accordingly, the Court

will hold the Motion for Summary Judgment in abeyance until further Order of the Court.<sup>2</sup>

With respect to appointment of counsel for Plaintiff, to date, the Court has been unable to recruit counsel to represent Plaintiff. The Court is continuing its efforts and will issue an Order notifying the parties once counsel has been identified.

The Clerk is **DIRECTED** to please send a copy of this Order to Plaintiff DeVinche Albritton and to defense counsel.

**IT IS SO ORDERED.**

Norfolk, Virginia  
September 23, 2025

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/s/  
Arenda L. Wright Allen  
United States District Judge

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<sup>2</sup> The Clerk is **DIRECTED** to administratively terminate the summary judgment motion, ECF No. 92. The Court will return the motion to the active docket, if necessary, following the conclusion of settlement proceedings.